

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:17-CR-134-BR

UNITED STATES OF AMERICA

v.

XAVIER MILTON EARQUHART

ORDER

This matter is before the court on (1) defendant's *pro se* motion to proceed *in forma pauperis* and for the appointment of counsel for compassionate release, (DE # 388); (2) defendant's *pro se* motion for the appointment of counsel, (DE # 391); and (3) defendant's counseled motion for an extension of time to file a memorandum in support of defendant's *pro se* motions for compassionate release,¹ (DE # 396). On 10 June 2021, the court directed the Federal Public Defender to appoint new counsel for defendant for the limited purpose of seeking compassionate release. (DE # 381.) Shortly thereafter, newly appointed counsel, Nardine Mary Guirguis, filed her notice of appearance. (DE # 385.) As such, defendant's motions for the appointment of counsel are DENIED as moot. To the extent defendant seeks leave to proceed *in forma pauperis*, that request is ALLOWED as the court has previously determined defendant to be financially unable to obtain an adequate defense. The motion for extension of time is ALLOWED, and appointed counsel shall have until 20 August 2021 to file a memorandum in

¹ In the first line, the motion identifies the defendant as James Arthur Rudd. (DE # 396, at 1.) However, the caption and the body of the motion accurately reflect information about the above-named defendant and his case. Therefore, the court assumes the misidentification of the defendant was a typographical error.

support of defendant's *pro se* motions for compassionate release.

This 21 July 2021.



W. Earl Britt
Senior U.S. District Judge